

## REMARKS

This amendment is offered in response to the Office Action of January 30, 2003.

The Office Action rejected Claims 1-30 under 35 U.S.C. §103(a) as being obvious over the Malin reference (U.S. Patent No. 6,185,907) in view of the Ausnit reference (U.S. Patent No. 4,876,842) or the Belmont reference (U.S. Patent No. 6,427,421).

Claim 1 has been amended to recite:

wherein said means for folding, said means for sealing said continuous supply of zippers, and said means for sealing said longitudinal edges are downstream from said means for placing

Similar amendments have been made to independent Claims 11 and 21. Moreover, Claim 1 recites “means for sealing said longitudinal edges of said folded continuous length of packaging film to one another opposite to said film fold” (emphasis added). Claim 11 has been amended to include similar language. Claim 21, as originally filed, included similar language. It is respectfully submitted that neither the Malin reference nor the Ausnit reference discloses or suggests the sealing of the longitudinal edges to each other opposite the film fold. That is, the Ausnit reference discloses sealing the edges so that a fin is formed across a face of the package, while the Malin reference does not teach any sealing of the longitudinal edges together. This lack of sealing of the longitudinal edges is necessary, of course, to maintain the mouth of the package of the Malin reference. While the Office Action construes Figure 3c of the Belmont reference to disclose the sealing of the longitudinal edges of the film opposite to the fold, it is respectfully submitted that this is achieved in such a different order of steps that there would be no reason to combine the cited references except by the wisdom of hindsight gained by the benefit of study of the disclosure. More particularly, the last full paragraph of column 5 of the

Belmont reference describes a sequence of steps which is so completely different from the sequence of steps of the presently pending claims that it would be reasonable to state that the Belmont reference teaches away from the present invention. More specifically, Belmont at column 5, lines 55-62, states:

For this embodiment, the fastener 14 should be sealed to both wall panels 16 and 18 before filling the package with the product 64. For example, the process folds the web 50 and positions the fastener 14 at the bottom 52 of the web 50 and seals the fastener 14 to both of the wall panels 16 and 18. Next, the process forms and cuts the side seals 60, and the product 64 fills the package. (emphasis added)

On this basis, it is respectfully submitted that the cited references cannot be properly combined.

It is therefore respectfully submitted that the presently pending claims are patentable over the cited references.

For all of the reasons above, it is respectfully submitted that all of the presently pending claims are in immediate condition for allowance. The Examiner is respectfully requested

to withdraw the rejections of the claims, to allow the claims, and to pass this application to early issue.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gerald Levy", with a stylized flourish at the end.

Gerald Levy  
Registration No. 24,419

Ronald E. Brown  
Registration No. 32,200

Pitney, Hardin, Kipp & Szuch, LLP  
685 Third Avenue  
New York, New York 10017  
212-297-5800

## APPENDIX

### In the Claims:

Please amend Claims 1, 11 and 21 as follows:

1. (amended) A horizontal form-fill and seal machine for packaging consumer products, said horizontal form-fill-and-seal machine comprising:

means for providing a continuous length of packaging film having two longitudinal edges;

means for placing said consumer products to be packaged at intervals along a longitudinal half of said continuous length of packaging film;

means for feeding a continuous supply of zippers between a center of said continuous length of packaging film and said consumer products;

means for folding said continuous length of packaging film down the center thereof and over upon said consumer products and said continuous supply of zippers;

means for sealing said continuous supply of zippers to said folded continuous length of packaging film;

means for sealing said longitudinal edges of said folded continuous length of packaging film to one another opposite to said film fold; and

means for sealing said folded continuous length of packaging film crosswise at intervals between said consumer products to create individual packages;

wherein said means for folding, said means for sealing said continuous supply of zippers, and said means for sealing said longitudinal edges are downstream from said means for placing.

11. (amended) A method for packaging consumer products on a horizontal form-fill-and-seal machine comprising:

providing a continuous length of packaging film having two longitudinal edges;

placing said consumer products to be packaged at intervals along one half of said continuous length of packaging film;

feeding a continuous supply of zippers between the center of said continuous length of packaging film and said consumer products;

folding said continuous length of packaging film continuously down the center thereof and over said consumer products and said continuous supply of zippers thereby creating a film fold;

sealing said continuous supply of zippers to said folded continuous length of packaging film;

sealing said longitudinal edges of folded continuous length of packaging film to one another opposite to said film fold;

sealing said folded continuous length of packaging film crosswise at intervals between said consumer products to create individual packages;

wherein said steps of folding, sealing said continuous supply of zippers, and sealing said longitudinal edges are downstream from said step of placing.

21. (amended) An apparatus for packaging consumer products, said apparatus comprising:

a packaging film dispenser wherein said packaging dispenser provides a continuous length of packaging film from a packaging film supply;

a product dispenser wherein said product dispenser places consumer products to be packaged at intervals along a longitudinal half of said continuous length of packaging film;

a zipper supplier wherein said zipper supplier feeds a continuous supply of zippers between a center of said continuous length of packaging film and said consumer products;

a fold-guide wherein said fold-guide folds said continuous length of packaging film down the center thereof upon said consumer products and said continuous supply of zippers;

a first sealing bar wherein said sealing bar seals the longitudinal edges of said folded continuous length of packaging film to one another opposite to said film fold;

a second sealing bar wherein said second sealing bar seals said continuous supply of zippers to packaging film; and

a heated cutter wherein said heated cutter seals said folded continuous length of packaging film crosswise at intervals between said consumer products while separating an individual package from the apparatus;

wherein said fold-guide and said first and second sealing bars are downstream from said product dispenser.